

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

ROBERT BURKS,

Plaintiff,

v.

METROPOLITAN COUNCIL,

Defendant.

Civil No. 08-1342 (DSD/JJG)

**ORDER ON REPORT AND
RECOMMENDATION**

The above-entitled matter came before the Court upon the Report and Recommendation of the United States Magistrate Judge. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. Plaintiff's "Application To Proceed Without Prepayment Of Fees And Affidavit," (Docket No. 2), is DENIED; and
2. The action is summarily DISMISSED pursuant to 28 U.S.C. § 915(e)(2)(B)(ii).

Dated: June 24, 2008

s/David S. Doty
David S. Doty
United States District Judge